

PATENT APPLN. NO. 10/522,197
RESPONSE UNDER 37 C.F.R. §1.111

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REMARKS

Drawings

The objection to the drawings is not understood and is not correct. The pin of the present invention is shown in the drawings and is labeled "A" (see, for example, Fig. 4). The supporting means is also shown in the drawings. For example, the supporting means is shown in Fig. 4 and is labeled "10".

Specification

A substitute specification (comprising a copy with markings and a clean copy) will be submitted to overcome the objections to the specification. It is noted that in the specification, the pin of the present invention should be identified with the label "A" and the jig of the present invention should be identified with the label "B".

Claim Objections

Claims 9, 11, 14 and 16 have been amended to overcome the objection to the claims by adopting the helpful suggestions of the Office in the Action. It is noted that claim 14 has been amended to limit the main body to a tubular main body.

Claim Rejections - 35 U.S.C. § 112

The claims have been amended to provide proper antecedent for

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claim terminology and to precisely recite the elements of the jig of the present invention. Applicants note that the pin of the present invention is not positively recited in claims 9-16 and is not an element of the jig defined in these claims.

Claim Rejections - 35 USC 102/35 USC 103(a)

Each of the 35 U.S.C. § 102 and 35 U.S.C. § 103(a) relies on Sasso as disclosing a pin within the scope of claim 1 and as disclosing a jig as recited in claim 9. Sasso, however, is not sufficient to support a case of anticipation of claims 1 and 9 under 35 U.S.C. § 102.

First, regarding claim 1, claim 1 recites a hole-forming pin for inserting an indwelling needle [into a patient]. The terminology "a hole-forming pin for inserting an indwelling needle" albeit recited in the preamble, is a limitation because it gives life and meaning to the elements recited in the body of the claim.

Hole forming pins for indwelling needles are known in the art (as evidenced by the description of "Background Art" in the present specification) and are used to form a hole ("buttonhole") by being left in the skin of a human for several days and through which an indwelling needle can be inserted. (See the specification, paragraph bridging pages 1 and 2). Claim 1 cannot be reasonably interpreted as reading on an indwelling needle itself ("Huber type

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safety needle") as disclosed in Sasso.

Regarding claim 9, claim 9 recites a "jig for installing a pin having wings for forming a hole for inserting an indwelling needle". As with claim 1, albeit this recitation appears in the preamble of the claim, it is a limitation because it is necessary to give life and meaning to the elements recited in the body of the claim. Sasso does not disclose any structure that can reasonably be interpreted as a jig for installing a pin having wings for forming a hole for inserting an indwelling needle as defined in claim 9. In Sasso, "58" in Fig. 1 is not a main body and "22A" is not a sliding body. "58" is a length a flexible tubing and "22A" is the proximal end portion of the needle 22.

Claims 1 and 9, therefore, are patentable under 35 U.S.C. § 102. The remaining claims of the application depend directly or indirectly on claims 1 and 9 and further limit these claims. These claims, therefore, are prima facie patentable over Sasso. The secondary reference relied on by the Office are cited only as disclosing the additional limitations recited in these claims and do not overcome the insufficiencies of Sasso to support the 35 U.S.C. § 102 rejection of claims 1 and 9.

Withdrawal of the objections to the specification, drawings and claims and the rejections of the claims is believed to be in

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order and is respectfully requested.

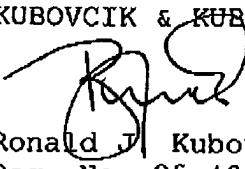
The foregoing is believed to be a complete and proper response to the Office Action dated October 7, 2009.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,

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